

1 BILL NO. Z-83- 01-02

2 ZONING MAP ORDINANCE NO. Z-Withdrawn

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. L-38.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

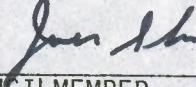
7 SECTION 1. That the area described as follows is hereby  
8 designated an R-3 (Multiple Family) District under the terms of Chapter 33  
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 A part of the Southwest Quarter of Section 14,  
11 T 31 N, R 12 E, in Allen County, Indiana, being  
12 a vacated part of Rodenbeck's 7th Addition as  
13 recorded in Plat Book 31, page 16, in the Office  
14 of the Recorder of said County, composed of Lots  
15 125 through and including Lot 153 and Torrington  
Drive from its intersection with Sharon Drive  
to its intersection with Rodenbeck Drive, as  
ordered by Allen Circuit Court Cause No. CC-77-911  
on 4 October 1977, and more specifically described  
as follows:

16 Commencing at a point which 381 feet East and 40 feet  
17 North of the Southwest corner of said Section, said  
18 point being the point of intersection for the 20 foot  
19 corner cut radius at the Southwest corner of said  
20 vacated Lot 138; thence North along the East right-  
21 of-way line of Sharon Drive as indicated on the  
22 recorded Plat, a distance of 371.75 feet to a pipe  
23 found defining the Northwest corner of said vacated  
24 Lot 139; thence Easterly by a deflection right of  
25 90 degrees 16 minutes along the North line of said  
26 vacated Lots 139 thru 153, a distance of 1347.9 feet  
27 to a pin set on the West right-of-way of Rodenbeck  
28 Drive, said point being the Northeast corner of said  
29 vacated Lot 153; thence South along said West right-  
30 of-way line of Rodenbeck Drive (said line also being  
31 the East line of said vacated Lot 153), a distance  
32 of 75.0 feet to a pin set at a point of curve; thence  
continuing Southwesterly on the West right-of-way line  
of Rodenbeck Drive on a curve to the right having a  
radius of 125 feet, a tangent distance of 37.03 feet,  
a delta angle of 33 degrees 00 minutes, a chord of  
71.00 feet, an arc distance of 71.99 feet, to a pin  
set at the point of tangent: thence continuing  
Southwesterly on the aforesaid tangent and the  
Westerly right-of-way line of said Rodenbeck Drive  
as reestablished, a distance of 125.2 feet; to a  
pin set at a point of curve; thence continuing  
Southwesterly on the West right-of-way line of  
Rodenbeck Drive, on a circular curve to the left  
having a radius of 175 feet, a tangent distance  
of 51.84 feet, a delta angle of 33 degrees 00  
minutes, a chord of 99.41 feet, an arc distance

1 of 100.79 feet to a pin set at the point of  
2 tangent as established; thence continuing  
3 Southerly on the aforesaid tangent and the  
4 West line of said Rodenbeck Drive, a distance  
5 of 32.2 feet to a pin set at the point of  
6 intersection of a 20 foot corner cut radius  
7 for said vacated Lot 125 as situated on  
8 the North 40 foot right-of-way line of the  
9 Washington Center Road; thence Westerly on the  
10 line aforesaid by a deflection right of 90  
11 degrees 28 minutes, a distance of 1231.5 feet  
12 to the point of beginning. EXCEPT the land  
13 lying exterior to the 20 foot radius corner cuts  
14 at said vacated Lot 125 and said vacated Lot 138.  
15 Containing 11.11 acres, more or less.  
16 and the symbols of the City of Fort Wayne, Zoning Map No. L-38, as  
17 established by Section 11 of Chapter 33 of the Code of the City of  
18 Fort Wayne, Indiana, are hereby changed accordingly.

19 SECTION 2. That this Ordinance shall be in full force  
20 and effect from and after its passage and approval by the Mayor and legal  
21 publication thereof.

22   
23 COUNCILMEMBER

24 APPROVED AS TO FORM AND LEGALITY

25   
26 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee of Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 1-11-83, the 19 day of January, at 10:00 o'clock A.M., E.S.T.

DATE: 1-11-83

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Salvano, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	—	—	—	—	—
<u>BRADBURY</u>	—	—	—	—	—
<u>BURNS</u>	—	—	—	—	—
<u>EISBART</u>	—	—	—	—	—
<u>GiaQUINTA</u>	—	—	—	—	—
<u>SCHMIDT</u>	—	—	—	—	—
<u>SCHOMBURG</u>	—	—	—	—	—
<u>SCRUGGS</u>	—	—	—	—	—
<u>STIER</u>	—	—	—	—	—
<u>TALARICO</u>	—	—	—	—	—

DATE: 1-11-83

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 19 on the 11 day of January, 1983.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11 day of January, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 11 day of January, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

WIN MOSES, JR. - MAYOR

THIS IS TO BE FILED IN DUPLICATE

RECEIVED NO.

DATE FILED

INTENDED USE Nursing Home & Retirement Apartments

I/We CALVARY TEMPLE CHURCH, INC. (Applicant's Name or Names)

to hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R3 District the property described as follows:

A part of the southwest quarter of Section 14, Township 31 North, Range 12 East in Allen County, Indiana, and more specifically described as follows:

Commencing at a point which is 381 feet east and 40 feet north of the southwest corner of said section, said point being the southwest corner of Lot #138 in Rodenbeck's Seventh Addition to the City of Fort Wayne, Indiana, thence north along the east right-of-way line of Sharon Drive a distance of 380 feet to a point which is the northwest corner of Lot #139 in Rodenbeck's Seventh Addition, thence north 89 degrees 50 minutes east a distance of 1347.9 feet to a point on the west right-of-way of Rodenbeck Drive, said point being the northeast corner of Lot #153 in Rodenbeck's Seventh Addition, thence south along said west right-of-way line (said line also being the east line of Lot #153) a distance of 162 feet to a point on the north right-of-way of Torrington Drive, said point being the southeast corner of said Lot #153, thence continuing in a southerly direction along the west right-of-way line of Rodenbeck Drive and (Legal Description) If additional space is needed, use reverse side.

For Legal See Attached EXHIBIT A

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Calvary Temple Church, Inc.

P. O. Box 175

Fort Wayne, Indiana 46801

(Name)

(Address)

(Signature)

*by, Paul E. Ruzzo*

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Thomas E. Ruzzo

(Name)

2200 Fort Wayne Bank Building  
Fort Wayne, IN 46802

(Address & Zip Code)

219/426-9706

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

across Torrington Drive a distance of 50 feet to a point which is the northeast corner of Lot #125 in Rodenbeck's Seventh Addition, thence continuing in a southerly direction along the west right-of-way line of Rodenbeck Drive (said line also being the east line of Lot #125) a distance of 190 feet to a point on the north right-of-way of Washington Center Road, said point being the southeast corner of Lot #125, thence South 89 degrees 50 minutes West a distance of 1231.5 feet to the place of beginning, said point being the southwest corner of Lot #138 in Rodenbeck's Seventh Addition. (This description is a description of Lots #125 to and including Lot #153 in Rodenbeck's Seventh Addition to the City of Fort Wayne, Indiana.)

Owners of Property

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

A part of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, being a vacated part of RODENBECK'S 7TH ADDITION as recorded in Plat Book 31, page 16, in the Office of the Recorder of said County, composed of Lots 125 through and including Lot 153 and Torrington Drive from its intersection with Sharon Drive to its intersection with Rodenbeck Drive, as ordered by Allen Circuit Court Cause No. CC-77-911 on 4 October 1977, and more specifically described as follows:

Commencing at a point which 381 feet East and 40 feet North of the Southwest corner of said Section, said point being the point of intersection for the 20 foot corner cut radius at the Southwest corner of said vacated Lot 138; thence North along the East right-of-way line of Sharon Drive as indicated on the recorded Plat, a distance of 371.75 feet to a pipe found defining the Northwest corner of said vacated Lot 139; thence Easterly by a deflection right of 90 degrees 16 minutes along the North line of said vacated Lots of 139 thru 153, a distance of 1347.9 feet to a pin set on the West right-of-way of Rodenbeck Drive, said point being the Northeast corner of said vacated Lot 153; thence South along said West right-of-way line of Rodenbeck Drive (said line also being the East line of said vacated Lot 153), a distance of 75.0 feet to a pin set at a point of curve; thence continuing Southwesterly on the West right-of-way line of Rodenbeck Drive on a curve to the right having a radius of 125 feet, a tangent distance of 37.03 feet, a delta angle of 33 degrees 00 minutes, a chord of 71.00 feet, an arc distance of 71.99 feet, to a pin set at the point of tangent; thence continuing Southwesterly on the aforesaid tangent and the Westerly right-of-way line of said Rodenbeck Drive as reestablished, a distance of 125.2 feet, to a pin set at a point of curve; thence continuing Southwesterly on the West right-of-way line of Rodenbeck Drive, on a circular curve to the left having a radius of 175 feet, a tangent

9 DEC 82 Part

EXHIBIT A

distance of 51.84 feet, a delta angle of 33 degrees 00 minutes, a chord of 99.41 feet, an arc distance of 100.79 feet to a pin set at the point of tangent as established; thence continuing Southerly on the aforesaid tangent and the West line of said Rodenbeck Drive, a distance of 32.2 feet to a pin set at the point of intersection of a 20 foot corner cut radius for said vacated Lot 125 as situated on the North 40 foot right-of-way line of the Washington Center Road; thence Westerly on the line aforesaid by a deflection right of 90 degrees 28 minutes, a distance of 1231.5 feet to the point of beginning. EXCEPT the land lying exterior to the 20 foot radius corner cuts at said vacated Lot 125 and said vacated Lot 138.

Containing 11.11 Acres, more or less.

ADAIR, PERRY, BEERS, MALLERS & LARMORE  
ATTORNEYS

2200 FORT WAYNE NATIONAL BANK BUILDING

FORT WAYNE, INDIANA 46802

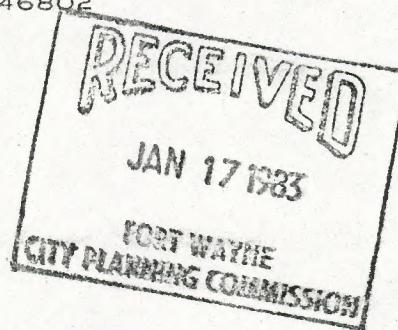
(219) 426-9706

ORVAS E. BEERS  
GEORGE P. MALLERS  
PHILIP H. LARMORE  
STEPHEN W. ADAIR  
THOMAS E. RUZZO  
G. WILLIAM FISHERING, III  
RICHARD E. BEERS  
PETER G. MALLERS, II  
R. SCOTT PERRY  
ROBERT E. ROSS

E. ROSS ADAIR  
OF COUNSEL

RAMON S. PERRY  
1913-1980

January 13, 1983



Mr. Gary Baeten  
City Planning Commission  
Eighth Floor  
City-County Building  
Fort Wayne, Indiana 46802

In Re: Calvary Temple Rezoning

Dear Gary:

Confirming our conversation of yesterday, we are withdrawing the rezoning petition of Calvary Temple and will be resubmitting for variances under the current RA classification for both the nursing home and retirement apartments before the BZA and Planning Commission as appropriate.

Very truly yours,

ADAIR, PERRY, BEERS, MALLERS & LARMORE

*Thomas E. Ruzzo*  
Thomas E. Ruzzo

TER:SS

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-01-02; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

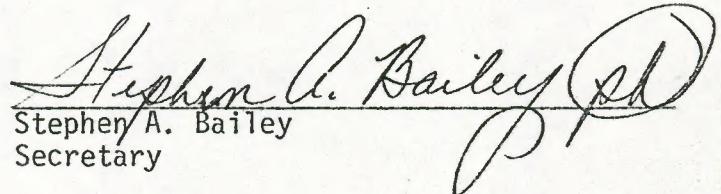
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 17, 1983.

Certified and signed this  
18th day of January 1983.

  
Stephen A. Bailey  
Secretary

BILL NO. Z-83-01-02

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. L-38

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BE WITHDRAWN  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE XXXXX

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

2-8-83 CONCURRED IN  
DATE CHARLES W. WESTERMAN, CITY CLERK

2-8-83 CONCURRED IN

CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY CLERK

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 8127

FT. WAYNE, IND. 12-3 1982

RECEIVED FROM Edair Perry et al \$ 50.00  
THE SUM OF fifty 50 DOLLARS  
ON ACCOUNT OF Planning - LA to R-3Pat B.  
AUTHORIZED SIGNATURE



TITLE OF ORDINANCE

Zoning Ordinance Amendment

3-83-01-02

DEPARTMENT REQUESTING ORDINANCE Land Use Management

SYNOPSIS OF ORDINANCE A parcel of property generally located between Sharon Drive and Rodenbeck Drive fronting along Washington Center Road.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will become R-3 - Multiple Family Residential.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

18 January 1983

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment:

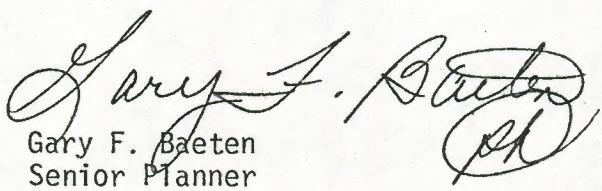
1. Bill No. Z-83-01-02

This ordinance was requested WITHDRAWN by the petitioner. A copy of the petitioner's written request is attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION



Gary F. Baeten  
Senior Planner

GFB:pb

Attachments